

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Schulman and Alex Spiegler on 2/2/2009.

The application has been amended as follows:

In the specification, rewritten the claims as follows:

1. A method for treating a heart disease, comprising administering by direct injection into a heart an expression vector comprising a nucleic acid sequence encoding AOP-1 operably linked to a promoter, wherein expression of said nucleic acid sequence within cells of the heart enhances the production of AOP-1, and wherein said expression of AOP-1 protects against myocardial cellular death or maintains the heart pulsating function in said heart.
  
7. The method of claim 1, wherein the heart disease is chronic heart failure, ischemic heart failure or ischemic heart disease.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCIA S. NOBLE whose telephone number is (571)272-5545. The examiner can normally be reached on M-F 9 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Paras can be reached on (571) 272-4517. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Deborah Crouch/  
Primary Examiner, Art Unit 1632

Marcia S. Noble  
AU 1632